

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES - GENERAL

Case No. CR 05-982-ABC

Date Dec. 10, 2007

Present: The Honorable AUDREY B. COLLINS, U.S. DISTRICT JUDGE

Interpreter

Daphne Alex

Katherine Stride

Vince Farhat/Constance Woodhead

*Deputy Clerk**Court Reporter/Recorder, Tape No.**Assistant U.S. Attorney*U.S.A. v. Defendant(s):Present Cust. BondAttorneys for Defendants:Present App. Ret.

Mamdouh Sadek Bahna

X

X

Terry Bird/Jason Kogan

X

X

Proceedings: SENTENCING - after guilty plea, ct. 8

The defendant is given an opportunity to speak and does. The Court grants a downward adjustment. IT IS ORDERED that the defendant shall pay to the United States a Special Assessment of \$100.00, which is due immediately. IT IS FURTHER ORDERED that the defendant has paid restitution in the total amount of \$990,518.54. Restitution in the total amount of \$990,518.54 shall be paid to victims as set forth in a separate victim list prepared by the probation office which this Court adopts and which reflects the Court's determination of the amount of restitution due to each victim. The victim list, which shall be forwarded to the fiscal section of the Clerk's Office, shall remain confidential to protect the privacy interests of the victims. The defendant shall be held jointly and severally liable with co-participants Huynhoa Bui (CR 05-717), Jon English (CR 05-758), Carlos Farias (CR05-759), and Danny Valle (CR 05-760) for the amount of restitution ordered in this judgment. The defendant shall comply with General Order 01-05. IT IS FURTHER ORDERED that the defendant shall pay to the United States a total fine in the amount of \$150,000.00, which shall bear interest as provided by law. IT IS THE JUDGMENT of the Court that the defendant is committed to the custody of the Bureau of Prisons a period of fifty-eight (58) months, on ct. 8, of the Indictment. Upon release from imprisonment, the defendant shall be placed on Supervised Release a term of three (3) years, on ct. 8, of the Indictment, under the following terms and conditions: 1) the defendant shall comply with the rules and regulations of the U.S. Probation Office and General Order 318; 2) the defendant shall participate in outpatient substance abuse treatment and counseling program that includes urinalysis, saliva and/or sweat patch testing, as instructed by the Probation Officer. The defendant shall abstain from using illicit drugs, alcohol, and abusing prescription medications during the period of supervision; 3) during the course of supervision, the Probation Officer, with the agreement of the defendant and defense counsel, may place the defendant in a residential drug treatment program approved by the U.S. Probation Office,, that includes urinalysis, saliva, and/or sweat patch testing for treatment of narcotic addiction or drug dependency, which may include counseling and testing, to determine if the defendant has reverted to the use of drugs, and the defendant shall reside in the treatment program until discharged by the Program Director and Probation Officer; 4) as directed by the Probation Officer, the defendant shall pay all or part of the costs of treating the defendant's drug dependency to the aftercare contractor during the period of community supervision, pursuant to 18 USC 3672. The defendant shall provide payment and proof of payment as directed by the Probation Officer; 5) during the period of community supervision the defendant shall pay the special assessment and fine in accordance with this judgment's orders pertaining to such payment; 6) the defendant shall not be employed by, affiliated with, act as a consultant for, own or control, in whole or in part, or otherwise participate, directly or indirectly, in any medical service business or any business that involves medical billing or medical marketing, without the express approval of the Probation Officer prior to engagement in such employment. Further, the defendant shall provide the Probation Officer with access to any and all business records, client lists and other records pertaining to

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES - GENERAL

criminal minutes continued: CR 05-982-ABC: U.S.A. -vs- Mamdouh Sadek Bahna

the operation of any medical service business owned, in whole or in part, by the defendant, as directed by the Probation Officer; 7) the defendant shall not be employed in any position that requires medical licensing and/or certification by any local, state or federal medical licensing agency without prior approval of the Probation Officer; and 8) the defendant shall cooperate in the collection of a DNA sample from the defendant. The Court authorizes the Probation Officer to disclose the Presentence Report to the substance abuse treatment provider to facilitate the defendant's treatment for narcotic/alcohol addiction or drug dependency. Further redisclosure of the Presentence Report by the treatment provider is prohibited without the consent of the sentencing judge. The drug testing condition mandated by statute is suspended based on the Court's determination that the defendant poses a low risk of future abuse of illicit substances. The Court states the justification of sentence on the record. The Court notes the defendant has waived his appeal rights. The defendant is advised of the appeal rights. The Court recommends the defendant be evaluated and placed in the alcohol abuse program within the Bureau of Prisons. The Court further recommends medical evaluation for placement in level 3 facility. The government moves for immediate remand. The Court ORDERS the defendant remain on the current bond and conditions pending surrender. The defendant shall surrender to the designated facility no later than noon on March 10, 2008, or if no designation is made, to the U.S. Marshal's Office, located at the Roybal Federal Bldg. and U.S. Courthouse, 255 E. Temple St., Los Angeles, Ca., on the same date and time. On motion of the government, all remaining counts are ORDERED dismissed.

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Initials of Deputy Clerk D.A.